THE HON'BLE SRI JUSTICE P.S. NARAYANA

WRIT PETITION No.13320 of 2006

Date: 03.07.2006

Between:

T. Anjaiah Goud

... PETITIONER

AND

The Municipal Corporation of Hyderabad
Rep., by its Commissioner & another.

... RESPONDENTS

ORDER:-

Herd the learned counsel on record.

2. The writ petition is filed for a writ of Mandamus declaring the action of the respondents in refusing to receive and process the petitioner's application for building permission for construction of building in Pr.No.16-11-727/1, Gaddiannaram, Dilsukhnagar, Hyderabad, as it is not accompanied with no objection certificate/TSLR certificate from Revenue Authority, as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondents to receive and process the application for building permission without insisting no objection certificate/TSLR certificate and pass such suitable orders.

3. It is stated that the petitioner is the absolute owner and possessor of the house bearing No.16-11-727/1 admeasuring 198 Square meters situated at Gaddiannaram, Dilsukhnagar, Hyderabad. It is also stated that the petitioner had got his share under a registered family settlement deed dated 10.02.1967 bearing document No.368 of 1967. It is further stated that the petitioner submitted an application in the third week of June 2006 to the respondent – Corporation praying for building permission for construction of ground plus first floor in the said property, but surprisingly the 2nd respondent, who is the competent authority to receive the building application up to three floors, refused to receive the same on the pretext that the petitioner's

building application was not accompanied with No objection certificate/TSLR certificate. Aggrieved by the same, the present writ petition is filed.

4. This Court, no doubt, more than a couple of occasions held that 'No objection certificate' could not be insisted upon. In view of the same, it is made clear that the application may be processed in accordance with law without insisting for any 'No objection certificate', but, however, the petitioner to comply with the production of TSLR certificate.

Accordingly, the writ petition is disposed of directing the respondents to receive and process the application of the petitioner in accordance with law without insisting for 'No objection certificate' and no doubt on production of TSLR certificate as required as already referred to supra. No order as to costs. This exercise has to be completed within a reasonable period, at any rate, within a period of three weeks from the date of receipt of the application.

_____

P.S. NARAYANA, J

Date: 03.07.2006

Note:- Issue CC in two days.

(B/o.)

ES